

STATE OF MICHIGAN  
COURT OF APPEALS

---

ROBERT BLACK and DONNA L. BLACK,

Plaintiffs-Appellants,

v

F. ROBERT SUCHYTA, D.O.,

Defendant-Appellee.

---

UNPUBLISHED

February 27, 2001

No. 220211

Wayne Circuit Court

LC No. 98-826690-NO

Before: Meter, P.J., and Neff and O'Connell, JJ.

MEMORANDUM.

Plaintiffs appeal of right the order granting defendant's motion for summary disposition under MCR 2.116(C)(10) in this slip and fall case. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff Robert Black was injured when he stepped off the side of a handicap ramp at a building owned by defendant. Defendant moved for summary disposition asserting that he owed no duty where the danger was open and obvious. The trial court granted the motion, noting that the danger was open and obvious, and defendant did not have a duty to warn or exercise care for an invitee where there was no unreasonable risk of harm.

A duty of care owed to an invitee does not extend to conditions from which an unreasonable risk cannot be anticipated or to danger so obvious that an invitee can be expected to discover them himself. *Ellsworth v Hotel Corp of America*, 236 Mich App 185, 195; 600 NW2d 129 (1999). An invitor is not required to eliminate or warn of open and obvious dangers unless the invitor should anticipate the harm despite the invitee's knowledge of it. *Weakley v Dearborn Heights*, 240 Mich App 382, 385; 612 NW2d 428 (2000). Whether a danger is open and obvious depends on whether it is reasonable to expect that an average user would discover the danger upon casual inspection. *Id.*

Contrary to plaintiff's argument, the open and obvious danger doctrine applies not only to preclude a duty to warn, but also to a duty to maintain premises in a reasonably safe condition. *Millikin v Walton Manor Mobile Home Park, Inc*, 234 Mich App 490; 595 NW2d 152 (1999). The dangers presented by an inclined handicap access ramp are generally so obvious that an invitee might reasonably be expected to discover them. *Novotney v Burger King Corp (On Remand)*, 198 Mich App 470; 499 NW2d 379 (1993).

Affirmed.

/s/ Patrick M. Meter

/s/ Janet T. Neff

/s/ Peter D. O'Connell